

App. No. 09/930,659

Preliminary Amendment Dated December 5, 2005

REMARKS/ARGUMENTS

Claims 1-37 have been amended as set forth above to further clarify the elements of the claims. No new matter has been added.

I. Examiner Interview of November 29, 2005

Applicants' attorney, Ryan Grace, and Examiner Patel held an interview on November 29, 2005. During the interview, Mr. Grace discussed the current structure of the claims, the teaching in the specification, and the teaching of the prior art. The claims have been amended as set forth above to clarify several elements of the claims. Many of the changes are not meant for further limiting the scope of the claims but to present the claims in a more readable manner. For Examiner Patel's convenience, a courtesy clean copy of the claims is attached in the Appendix.

Even though applicants believe the elements of the claims, as initially presented, are allowable over the cited reference, applicants have amended some elements of the claims to help expedite allowance of the claims. The amendments set forth herein are presented in light of the November 29, 2005 interview. According to Mr. Grace's understanding, Examiner Patel was not permitted to form an agreement with regard to the claims. Examiner Patel, however, believes that at least some of the arguments presented during the interview are convincing. It is Mr. Grace's understanding that the substance of the interview and this Preliminary Amendment will be presented to the Primary Examiner if a further prior art search does not present new references to reject the claims. Applicants respectfully request a second interview with Examiner Patel and the Primary Examiner if this Preliminary Amendment does not bear allowable subject matter.

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II. Rejection Under 35 U.S.C. §102(e)

Claims 1-13 and 15-37 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication Number 2003/0069874 published to Hertzog et al. (hereinafter "Hertzog").

Applicants respectfully disagree with the rejection. When the claims are read in their entirety, each claim contains elements not taught or otherwise suggested by Hertzog. Specifically, claim 1 includes the following elements not taught or otherwise suggested by Hertzog:

"a synchronization message including message portions for grouping synchronization request activities and synchronization response activities in a single message, wherein the message portions include:

a version portion of the synchronization message for indicating a protocol version of the synchronization message for synchronizing the object;

a command portion of the synchronization message for indicating a synchronization action to synchronize the object between the server and the client; and

a response portion of the synchronization message for indicating a synchronization action error."

As discussed during the November 29, 2005 interview, one problem associated with the prior art includes sending and receiving multiple transmissions and receipt notifications during synchronizations. The specification specifically points out this problem as follows:

"With wireless networks, the risk that a connection will be lost is several times greater than with non-wireless systems. Some synchronization techniques address potential interruption by sending acknowledgments at certain points while a message is received. Sending multiple acknowledgments, however, exacerbates other problems in cellular networks. Typically, cellular networks have high latency. Each transmission is subject to this latency. Thus, using acknowledgments may increase the total synchronization time which gives rise to a greater potential for interruption by, for example, an unreliable network.

Additionally, cellular networks often have relatively low bandwidth. Synchronizing a relatively small number of objects between a PC and a mobile device over a cellular network may require several minutes; synchronizing many

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objects may require hours. This problem is typically not faced by devices directly connected or connected through a local area network." *Specification*, at page 1, line 28 - page 2, line 11.

Also discussed during the November 29, 2005 interview, the elements of claims include elements not taught or otherwise suggested by the cited reference. Not meant for limiting the claims in any manner, as one example from the specification, the specification recites as follows:

"The present invention provides a system and method for synchronizing devices that may be connected by high latency, low bandwidth, and/or unreliable networks. A protocol is provided which avoids the latencies of multiple acknowledgments by placing responses to a number of synchronization activities in a single message. Requests and responses to previous requests may be grouped together in one message. Selected objects may be synched without requiring that all objects be synched. A window size may be set to limit the number of objects synched during a single transaction. The protocol is designed to allow either the server or the mobile device to begin the synchronization.

In one aspect of the invention, the protocol groups responses for requests to update objects. Grouping the responses together avoids some of the latency of responding to each update request.

In another aspect of the invention, the protocol allows responses to updates to be grouped together and sent with grouped requests to update objects. Thus, instead of multiple messages being sent during synchronization, one message can both report errors and send, request, and respond to updates. This reduces latency in synchronization and generally reduces bandwidth required." *Specification*, at page 2, line 15 - page 3, line 2.

With regard to Hertzog, Hertzog fails to teach "a synchronization message including message portions for grouping synchronization request activities and synchronization response activities in a single message." As recited in the prior Office Action, Hertzog specifically recites as follows:

"A resonate dispatch 38 may be hosted on a pair of Sun Ultra-SPARC machines, from Sun Microsystems of Mountain View, Calif. The resonate dispatch 38 performs load balancing operations between multiple machines on which an application server 40 and a web server 42 are hosted. In an exemplary embodiment, both the application server 40 and the web server 42 may be hosted on a single Sun 450 machine from Sun

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Microsystems. The application server 40 may be developed utilizing Java technology developed by Sun Microsystems, and serve both the client service module 26 of the client application 18 on the client machine 12, and the web server 42. *The application server 40 includes logic that allows a user, accessing the application server 40 via a client machine 12, to access only information for which the user has been granted permission. The application server 40 is furthermore responsible for sending personal information updates to the client services module 26 so as to synchronize the local database 30 with a specific subset of information maintained within the server database 34.*" Hertzog, at col. 3, para. 0048.

Here, Hertzog is teaching that the local database is synchronized with the specific subset of information maintained within the server database. Hertzog is teaching that the server has subsets of information. Hertzog does not teach a synchronization message including message portions for grouping synchronization request activities and synchronization response activities in a single message. Moreover, the term subset used in Hertzog is referring to the subsets of personal information that is used to create a posting to the different clients. The subsets are subsets of information maintained on the server. Succinctly stated, Hertzog does not teach a synchronization message with "a version portion of the synchronization message for indicating a protocol version of the synchronization message for synchronizing the object." Hertzog specifically teaches as follows:

"The present invention proposes allowing an owning user to store a master set of fields of personal information concerning the owning user, *and then to designate different combinations and permutations of the fields of personal information as sub-sets of personal information.* The present invention proposes allowing the owning user *to publish a selected one or more of these sub-sets of personal information to a receiving user. The receiving user may then view the published sub-set as personal information,* concerning the owning user, within a personal information repository (e.g., a PIM) of the receiving user. In one embodiment, the receiving user may populate, for example, an address book utilizing a sub-set of personal information published to the receiving user by the owning user. Each of the published sub-sets of personal information concerning the owning user may be viewed as a calling card of the owning user, which may in turn be classified as a personal card, a business card or other cards for distribution and publication to multiple receiving users.

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FIG. 4 is a high level, diagrammatic representation of the above described concept. Specifically, **a master set 72 of personal information**, comprising a number of fields 74, is defined, inputted and stored by an owning user. The input and storage of the master set 72 may, for example, be performed by a user via the client application 18, wherein the information is inputted via the GUI 24 and stored by the client services module 26 within the local database 30. The various fields 74 of personal information may include name, address, telephone, fax, e-mail, date, job title, work organization, medical, financial, family, interest, membership or any other personal information concerning the owning user.

The owning user may *then record the designation of sub-sets of the information fields 74 as constituting respective virtual cards 78. By designating different sub-sets of fields 74 of the master set 72 as different cards, or collections of fields, the owning user can define a collection 76 of virtual cards 78.* For example, the owning user may define a first personal card that includes only a sub-set of information fields 74 that the owning user is willing to communicate to family members. The personal virtual card 78 may thus be designated as a "family" card. The owning user may then designate a second sub-set of information fields 74 as a "friends" virtual card 78, the relevant sub-set of information fields 74 comprising information that the owning user wishes to publish to friends. The owning user may then define a "business" virtual card 78 that encompasses a sub-set of information fields 74 that are appropriate for communication to a business client, colleague or associate.

Having then defined the collection 76 of virtual cards 78, *the owning user may record the selection of one or more cards for publication to a selected receiving user (or subscriber). For example, the owning user may select the "family" virtual card 78 for publication to one or more family members, whereas the "business" virtual card 78 may be selected for publication to a number of business customers of the owning user.*" *Hertzog*, at col. 6, para. 0070, 0071.

Moreover, Hertzog does not teach a synchronization message having "a response portion of the synchronization message for indicating that the synchronization action was unsuccessful when an error occurs." Hertzog specifically teaches as follows:

"During a synchronization operation, the GUI 24 interacts with the client services module 26 and the synchronization engine 28 to provide a textual and graphic display of the progress of a synchronization operation. For example, the GUI 24 may provide textual descriptions of operations being performed by the synchronization engine 28, and may also provide a progress bar showing the percentage of the synchronization operation that is complete, or that remains to be completed." *Hertzog*, at col. 4, para. 0053.

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Here, Hertzog is teaching that the GUI may provide textual descriptions (and/or a progress bar) of operations being performed by the synchronization engine. This teaching simply does not read on "a synchronization message including message portions for grouping synchronization request activities and synchronization response activities in a single message" *that includes* "a response portion of the synchronization message for indicating that the synchronization action was unsuccessful when an error occurs." As stated hereinabove and in view of the Examiner Interview, applicants believe that claim 1 is allowable over the cited reference.

Claim 21 includes the following elements not taught or otherwise suggested by Hertzog:

"a server configured to receive a synchronization message, wherein the synchronization message includes portions for *grouping synchronization request activities and synchronization response activities in a single synchronization message*, wherein the portions include:

a *version portion* of the synchronization message for *indicating a version of the synchronization message for synchronizing the object*,

a *command portion* of the synchronization message for indicating a synchronization action to take to synchronize the object"

Claim 29 includes the following elements not taught or otherwise suggested by Hertzog:

"formatting a synchronization message having message portions *for grouping synchronization request activities and synchronization response activities in a single message*, wherein the message portions include:

a *version ID portion indicating a version of a synchronization protocol*,

a *commands portion* defining server changes for causing data on the server to synchronize with data on the data store"

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Claim 34 has been amended to include the following elements not taught or otherwise suggested by Hertzog:

"receiving an update synchronization message having message portions *for grouping synchronization request activities and synchronization response activities in a single message*, wherein the message portions include:

***a first version ID portion* for indicating a *version of a synchronization protocol*;**

***a first commands portion* defining server changes for causing the data store to be synchronized with data on a mobile device;**

sending a response synchronization message having message portions *for grouping synchronization request activities and synchronization response activities in a single message*, wherein the message portions include:

***a second version ID portion* for indicating a *version of a synchronization protocol*;**

***a second commands portion* defining mobile device changes for causing the data store to be synchronized with data on the mobile device; and**

***a response portion* for indicating that synchronization was unsuccessful when an error occurs during processing of the update synchronization message."**

Independent claims 21, 29, and 34 include some similar elements as recited above in support for claim 1, and therefore, applicants believe the same are allowable for at least the same reasons set forth in support for claim 1.

The elements of claims 2-13, 15-20, 22-28, 30-33 and 35-37 are not taught or otherwise suggested by the cited reference. Moreover, claims 2-13, 15-20, 22-28, 30-33 and 35-37 ultimately depend from claims 1, 21, 29, and 34, respectively. Claims 1, 21, 29, and 34 are allowable for the previously stated reasons. Accordingly, applicants assert that claims 2-13, 15-20, 22-28, 30-33 and 35-37 are allowable for at least those same reasons.

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III. Rejection Under 35 U.S.C. §103(a)

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hertzog in view of Japanese Document No. JP2000020370A issued to Sharp KK (hereinafter "Sharp").

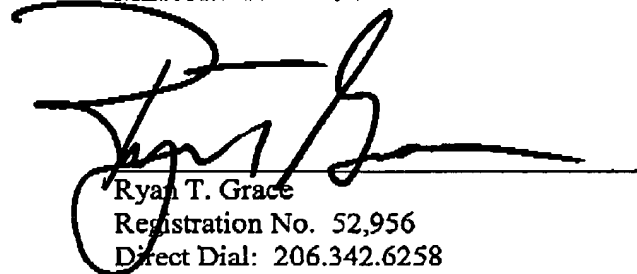
Applicants respectfully disagree with the rejection. There is no suggestion in either of the references that they may be combined in the manner propounded. Furthermore, even if for argument purposes such a suggestion could exist, claim 14 includes elements not taught by the references. Also, the rejection of claim 14 under 35 U.S.C. 103(a) depends from the aforementioned rejection under 35 U.S.C. 102(e). Insofar as the claims are allowable under 35 U.S.C. 102(e), the rejection under 35 U.S.C. 103(a) should be withdrawn.

IV. Request for Reconsideration

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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